

## HOUSE BILL NO. 269

INTRODUCED BY MEHLHOFF, BELCOURT

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ALLOWING THE BOARD OF COUNTY COMMISSIONERS TO DETERMINE~~ REVISING THE DOLLAR RATE AT WHICH FINES FOR CERTAIN CRIMINAL OFFENSES WILL BE SATISFIED BASED ON EACH DAY OF IMPRISONMENT; AMENDING SECTIONS 46-17-302 AND 61-7-118, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 46-17-302, MCA, is amended to read:

**"46-17-302. Execution of judgment.** (1) The judgment must be executed by the sheriff, constable, marshal, or ~~policeman~~ police officer of the jurisdiction in which the ~~conviction was had~~ offender was convicted.

(2) When a judgment of imprisonment is entered, a certified copy ~~thereof~~ must be delivered to the sheriff or other officer, which is a sufficient warrant for its execution.

(3) If a judgment is rendered imposing a fine only without imprisonment for nonpayment and the ~~defendant~~ offender is not detained for any other legal cause, ~~he~~ the offender must be discharged as soon as the judgment is given.

(4) A judgment that the ~~defendant~~ offender pay a fine may also direct that ~~he~~ the offender be imprisoned until the fine ~~be is~~ satisfied in the proportion of 1 day's imprisonment for ~~every \$25~~ a specified number of dollars ~~EVERY \$75~~ of the fine ~~as determined annually by resolution of the board of county commissioners. The rate set by the commissioners must be equal to the actual cost incurred by the jail.~~ When the judgment is rendered, the ~~defendant~~ offender must be held in custody the time specified in the judgment unless the fine is paid.

(5) Any officer charged with the collection of fines under the provisions of this chapter ~~must~~ shall return the execution to the judge within 30 days from its delivery to ~~him~~ the officer and pay ~~over to the judge~~ the money collected to the judge after; deducting ~~his~~ the officer's fees for the collection."

**Section 2.** Section 61-7-118, MCA, is amended to read:

**"61-7-118. Penalty for violation.** (1) A person violating any provision of 61-7-104 through 61-7-110 or 61-7-112 through 61-7-114 is guilty of a misdemeanor. Upon a first conviction, the offender shall be punished by

1 a fine of not less than \$200 or more than \$300 or by imprisonment for not more than 20 days. For a second  
2 conviction within 1 year of the first conviction, the offender shall be punished by a fine of not less than \$300 or  
3 more than \$400, by imprisonment for not more than 30 days, or both. Upon a third or subsequent conviction  
4 within 1 year of the first conviction, an offender shall be punished by a fine of not less than \$400 or more than  
5 \$500, by imprisonment for not more than 6 months, or both.

6 (2) Subject to the limitations of 46-18-231(3), an offender who fails to pay a fine shall be imprisoned in  
7 the county jail in the county in which the offense was committed, and the punishment ~~shall~~ must be commuted  
8 at the rate of 1 day's incarceration for ~~each \$20 a specified number of dollars~~ EACH \$75 of the fine as determined  
9 annually by resolution of the board of county commissioners. The rate set by the commissioners must be equal  
10 to the actual cost incurred by the jail."

11  
12 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009.

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